

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/809,722 Confirmation No. 8174  
Applicant : Alex S. Gresock  
Filed : 03/25/2004  
Art Unit : 3636  
Examiner : Graysay, Tamara L.  
Atty. Docket No. : GRE-001-A  
Customer No. : 32226  
Title : Backpack Hunting Blind

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)**

Sir:

In response to the notice of non-compliance mailed June 6, 2006, applicant hereby submits the corrected Amendments to the Claims section of the non-compliant amendment:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 8 of this paper.

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (currently amended): A tree-mountable backpack blind for use by hunters and others, comprising:

~~a blind frame having~~ a generally planar vertical frame comprising a tree-facing side including tree-securing means for securing the vertical frame to a ~~capable of being secured to the side of~~ a tree or similar vertical structure, the vertical frame further comprising a baseless lower end adapted to be held above the ground when the vertical frame is secured to a side of a tree or similar vertical structure, the vertical frame ~~having~~ further comprising cantilevered upper and lower canopy support arms having a storage position stowed essentially flat against the frame and an extended position extending laterally horizontally from a tree-opposing side of the vertical frame away from the tree;

~~and a seat extending~~ mounted on a lower portion of the vertical frame away from the tree below the lower canopy support arms to extend horizontally away from the tree-opposing side of the frame; and,

a canopy adapted to be supported on the upper and lower canopy support arms when the upper and lower canopy support arms are in their extended position, the canopy having an open bottom with a lower edge spaced from and hanging freely below the seat.

Claim 2 (currently amended): The blind of claim 1, wherein the ~~blind~~ vertical frame ~~has~~ comprises a spaced pair of upper canopy support arms and a spaced pair of lower canopy

support arms, the lower canopy support arms ~~being spaced a distance greater than the upper canopy support arms~~ having a greater lateral spacing at outer ends thereof in the extended position and the upper support arms having a lesser lateral spacing at outer ends thereof in the extended position.

Claim 3 (currently amended): The blind of claim 2, wherein the lower canopy support arms extend laterally horizontally away from the tree-opposing side of the vertical frame a distance greater than the upper canopy support arms.

Claim 4 (currently amended): The blind of claim 3, wherein the canopy ~~has~~ comprises a generally triangular planar front opening above the lower canopy support arms and defined in part by canopy sidewall portions above the lower canopy support arms, the front opening corresponding to the lesser lateral spacing of the upper support arms and the greater lateral spacing of the lower support arms in their extended positions, the generally triangular planar front opening being angled rearwardly and upwardly from the lower canopy support arms to the upper canopy support arms toward the frame.

Claim 5 (currently amended): The blind of claim 4, wherein the canopy ~~has~~ comprises an upper canopy portion ~~located above the seat~~ lower canopy support arms and defining the generally triangular front opening, and a lower closable canopy portion extending laterally horizontally beyond the upper canopy portion.

Claim 6 (currently amended): The blind of claim 1, wherein the upper and lower canopy support arms are ~~movable~~ capable of being telescoped and rotated without disassembly from their ~~laterally~~ horizontally extended positions to storage positions generally flat against the frame.

Claim 7 (currently amended): The blind of claim 6, wherein the upper canopy support arms ~~have~~ comprise vertically-extendable portions movable up and down relative to the vertical frame, and ~~lateral~~ horizontal portions rotatable against and away from the vertical frame.

Claim 8 (currently amended): ~~The blind of claim 6~~ A tree-mountable backpack blind for use by hunters and others, comprising:

a generally planar vertical frame capable of being secured to a side of a tree or similar vertical structure, the vertical frame comprising upper and lower canopy support arms extending horizontally from the vertical frame away from a tree or similar vertical structure and a seat extending horizontally from a lower portion of the frame away from a tree or similar vertical structure below the lower canopy support arms; and,

a canopy supported on the upper and lower canopy support arms, the canopy comprising an open bottom with a lower edge hanging below the seat,

wherein the upper and lower canopy support arms are capable of being telescoped and rotated without disassembly from their horizontally extended positions to storage positions generally flat against the frame and wherein the lower canopy support arms are rotatably mounted on the vertical frame for rotation about a horizontal axis ~~in the plane of~~ on the vertical frame.

Claim 9 (currently amended): The blind of claim 8, wherein the lower canopy support arms ~~have~~ comprise horizontally-extendable portions movable inwardly and outwardly along the horizontal axis relative to the vertical frame to adjust the width of their spacing.

Claim 10 (currently amended): The blind of claim 9, wherein the lower canopy support arms are rotatably mounted on vertically-rotatable bases mounted on the vertical frame, the vertically-rotatable bases being rotatable about a vertical axis in the plane of the vertical frame.

Claim 11 (currently amended): The blind of claim 8, wherein the lower canopy support arms ~~have~~ comprise laterally extendable end extensions.

Claim 12 (currently amended): The blind of claim 1, wherein the vertical frame ~~includes~~ comprises backpack straps.

Claim 13 (currently amended): The blind of claim 12, wherein the vertical frame ~~includes~~ comprises a packbag.

Claim 14 (currently amended): The blind of claim 3, wherein the lower canopy support arms extend ~~laterally~~ horizontally away from the vertical frame a distance greater than the seat.

Claim 15 (currently amended): The blind of claim 1, wherein the seat can be moved to a storage position against the vertical frame.

Claim 16 (currently amended): The blind of claim 1, wherein the lower end of the canopy hangs below the baseless lower end of the vertical frame when the vertical frame is secured to a side of a tree or similar vertical structure.

Claims 17-18 (canceled)

Claim 19 (currently amended): A tree-mountable backpack blind for use by hunters and others, comprising:

~~a generally vertical backpack frame with means for readily deploying and collapsing arms attached to a backpack frame for supporting a flexible covering;~~

~~a readily deployable and collapsible roof support means attached to the frame for supporting the flexible covering;~~

~~and a means for attaching the backpack frame to a vertical upright structure~~  
a blind frame having a generally planar vertical frame comprising a tree-facing side including tree-securing means for securing the vertical frame to a side of a tree or similar vertical structure, the vertical frame further comprising a baseless lower end adapted to be held above the ground when the vertical frame is secured to a side of a tree or similar vertical structure, the vertical frame further comprising canopy support arms extending horizontally from a tree-opposing side of the vertical frame;

a seat mounted on a lower portion of the vertical frame below the lower canopy support arms to extend horizontally away from the tree-opposing side of the frame; and,

a canopy adapted to be supported on the canopy support arms, the canopy having an open bottom with a lower edge spaced from and hanging freely below the seat and a roof portion positioned above the seat.

## **REMARKS**

The Examiner has found the Amendment and Response filed March 20, 2006 to be non-compliant, on the single basis that the status identifier of claim 19 was incorrect, i.e. that it was listed as “original” despite the apparent amendments made by underlining and strikethrough. Applicant hereby resubmits the Amendments to the Claims section, with claim 19 corrected with the status identifier “currently amended”. The remarks presented with respect to the amended claims in the March 20, 2006 Amendment and Response are incorporated by reference, and should not need to be resubmitted.

The March 20, 2006 Amendment and Response is now believed to be fully compliant, and ready to be entered. Should the Examiner have any questions concerning this response, she is invited to contact applicant’s undersigned attorney at 231-932-9752.

Respectfully submitted,

/Jason J. Young/

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